



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,997	01/10/2002	Craig H. Becker	AUS920010712US1	2738

7590 08/24/2005

Frank C. Nicholas
CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201

EXAMINER

TIV, BACKHEAN

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/044,997	BECKER ET AL.
	Examiner	Art Unit
	Backhean Tiv	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 5/17/05.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-32 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Claims 1-32 are pending in this action. This is a response to the amendment filed on 5/17/05.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2002/0073204 issued to Dutta et al.(Dutta) in view of US Patent 5,448,561 issued to Kaiser et al.(Kaiser) in further view of US Patent 5,710,885 issued to Bondi.

As per claims 1, 13,23, Dutta teaches a method for communicating among a plurality of peer nodes in a network environment, comprising:

communicating a discovery command from a current peer node to at least one neighbor peer node, the neighbor peer node in communication with the current peer node (paragraph [0011]; wherein the application automatically send/communicating a request or discovery command for node characterizing data from source node or current peer node to target node or neighbor peer node); and

receiving, at the current peer node, an aggregated list of peer nodes, the aggregated list of peer nodes comprising information about at least one peer node in

communication with the at least one neighbor node (paragraph [0011]; wherein the source node receives information topology data associated with a node connected to the target node), the information including an IP address and a port number on which each peer node can accept incoming connections(Fig.4, elements 302 and 308; shows an IP address and a port socket to which a peer can connect).

Dutta however does not explicitly teach time to live value of the number of times a message is forwarded before communication expires and ping time out delay between communication messages.

Kaiser teaches time to live value of the number of times a message is forwarded before communication expires(col.2, lines 56-64; the number of times a message is sent before a message connection is de-activated).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Dutta to set a number of times a message is sent as taught by Kaiser in order for a user to halt the sending of messages to another to user who is not responding.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Dutta and Kaiser in order to provide a system to increase efficiency of a user trying to communicate with another user.

Dutta in view of Kaiser, does not teach ping time out delay between communication messages.

Bondi teaches ping time out delay between communication messages(Abstract, Figs. 1-7).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Dutta in view of Kaiser to using pinging between nodes as taught by Bondi in order to reduce time in which a network's topology is discovered(Bondi, col.1, lines 5-10).

One ordinary skill in the art would have been motivated to combine the teachings of Dutta, Kaiser, and Bondi in order to provide a system to reduce time in which a network's topology is discovered(Bondi, col.1, lines 5-10).

As per claim 2, Dutta teaches the method as claimed, further comprising: communicating the discovery command to a predetermined number of neighbor peer nodes (paragraph [0011]; wherein the source node has to send out to the other neighboring nodes in order for it to complete a peer-to-peer network topology).

As per claim 3, 14, 24; Dutta teaches the method as claimed, further comprising: determining the predetermined number of neighbor peer nodes (paragraph [00010] and Fig. 6).

As per claims 4, 15, 25, Dutta teaches the method as claimed, further comprising: creating a peer table at the current peer node; and updating the peer table with the aggregated list of peer nodes (paragraph [0011] & [0055] and Figure 5; wherein in a peer-to-peer network, each node has to keep a peer table with an aggregated list of neighbor nodes in order to build topology information, and it has to poll its neighbors and update neighbor information in order to check which neighbors are still alive and which neighbors are no longer peers).

As per claims 5, 16, 26, Dutta teaches the method as claimed, further comprising: receiving, at the current peer node, a second discovery command from an originating peer node; and communicating, from the current peer node directly to the originating peer node, the peer table in response to the second discovery command (Figure 4 & 6; wherein the current peer node receives a request for characterization information and the originating peer node receives characterization information in response to the request in Figure 4 and the response is the peer table in Figure 6, ref. 606).

As per claims 6, 7, 8; 17, 18, 27, 28, Dutta teaches the method as claimed, further comprising: receiving a data message having a unique descriptor (GUID) at the current peer node and comparing the unique descriptor to a descriptor table (list of GUIDs) and updating the descriptor table accordingly (paragraph [000043]).

As per claims 9, 19, 29, Dutta teaches the method as claimed, further comprising: forwarding a query command from the current peer node to a predetermined number of neighbor peer nodes (paragraph [0044]; wherein the query command is propagating or forwarding throughout the peer-to-peer network nodes and the query reply is returning to the originating node).

As per claims 10, 20, 30, Dutta teaches the method as claimed, further comprising: receiving, at the current peer node, response data directly from at least one other peer node, the at least one other peer node in communication with the at least one neighbor node (paragraph [0044]; wherein the query command is propagating or

forwarding throughout the peer-to-peer network nodes and the query reply is returning to the originating node).

As per claims 11, 21, 31, Dutta teaches the method as claimed, further comprising: receiving, at the current peer node, a query command from an originating peer node; and communicating, from the current peer node directly to the originating peer node, response data in response to the query command (paragraph [0044]).

As per claims 12, 22, 32, Dutta teaches the method as claimed, further comprising: forwarding the query command from the current peer node to a predetermined number of neighbor peer nodes (paragraph [0044]; wherein the query command is propagating or forwarding throughout the peer-to-peer network nodes and the query reply is returning to the originating node).

Response to Arguments

All previous rejection are withdrawn due to applicant's amendments.

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.


Backhean Tiv
2151
8/19/05


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER